IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 8TH AUGUST 2007 / 17TH SRAVANA 1929

WP(C).No. 24160 of 2007(A)

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SC.1/2006 of DISTRICT COURT, ALAPPUZHA

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PETITIONER:

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BINEESH, S/O. NATESAN, KALATHIL VEEDU,
WARD NO. 8 CHERAI DESOM,
PALLIPPURAM PANCHAYATH, ERNAKULAM.

BY ADV. SRI.RAJIT
SRI.RANJIT BABU

RESPONDENTS:

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STATE OF KERALA REP. BY THE SECRETARY,
SECRETARIAT, HOME DEPARTMENT,
THIRUVANANTHAPURAM.

BY GOVT. PLEADER SRI. GIKKU JACOB

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 08/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**R. BASANT, J.**

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W.P.C.No. 24160 of 2007 A

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Dated this the 8th day of August, 2007

**JUDGMENT**

The petitioner is the 7th accused in a pending sessions case before the Sessions Court, Alleppey. There has been a time bound direction issued by this Court for the expeditious disposal of that S.C. 1 of 2006. At long last the learned Sessions Judge, Alleppey has now listed the case for trial from 20.8.07 to 27.10.2007. The petitioner has now come to this Court with a grievance that his counsel has to appear in another case before the C.B.I. Court-II, Ernakulam (S.C.112 of 2007), where the trial is listed from 6.8.07 to 17.8.2007. After 17.8.07, S.313 examination, defence evidence and arguments will have to take place, so that it will be difficult for the petitioner's counsel to get ready for trial on 20.8.07 in S.C. 1 of 2006 before the Sessions Judge, Alleppey. This in short is the grievance.

2. I am afraid the request of the petitioner for a direction to re-schedule the trial in S.C. 1 of 2006 cannot be accepted for this reason. At the first instance I find there is no conflict between the dates of examination of the witnesses in the two cases. Even if it be

there, it is certainly for the counsel to make appropriate arrangements and choose to be present in that court where his presence is most required making alternate arrangements in the other case. S.C. 1 of 2006 certainly deserves a very expeditious disposal, as already directed by this Court.

3. This writ petition cannot in these circumstances succeed. It is accordingly dismissed. Of course, it will be open to the petitioner to make appropriate request before the respective courts for accommodation, if there be conflict in the progress of the two cases.

Sd/-

**(R. BASANT)**
Judge

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//true copy// P.A. to Judge